

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/GB2004/002477	International filing date (day/month/year) 10.06.2004	Priority date (day/month/year) 10.06.2003
International Patent Classification (IPC) or both national classification and IPC H04M1/725		
Applicant SYMBIAN SOFTWARE LIMITED		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. **type of material:**  
 a sequence listing  
 table(s) related to the sequence listing
  - b. **format of material:**  
 in written format  
 in computer readable form
  - c. **time of filing/furnishing:**  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,  
 claims Nos. 7,11,12

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):  
 the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 7,11,12 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.  
 no international search report has been established for the whole application or for said claims Nos.  
 the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished  
 does not comply with the standard

the computer readable form

has not been furnished  
 does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

See separate sheet for further details

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes:	Claims	4
	No:	Claims	1-3,5,6,8-10,13-15
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-6,8-10,13-15
Industrial applicability (IA)	Yes:	Claims	1-6,8-10,13-15
	No:	Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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IAP8 Rec'd PCT/PTO 08 DEC 2005

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**Preliminary remark :**

The second claim 14 has been renumbered 15 for the purpose of this communication.

**Re Item III.**

The term "server" used in claims 7, 11 and 12 is unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers.

The term server is commonly defined as a device on a network that manages network resources. This is obviously not what is meant in claims 7, 11 and 12, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).

**Re Item V.**

1 The following documents are referred to in this communication:

D1 : US 6 418 309 B1 (BARATT MANON ET AL) 9 July 2002 (2002-07-09)

D2 : US 6 457 132 B1 (BORGENDALE KENNETH WAYNE ET AL) 24 September 2002 (2002-09-24)

2 INDEPENDENT CLAIMS 1 AND 15

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 15 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

A wireless information device (fig. 1, ref. 10; col. 3, lines 33-38) programmed to automatically modify its behaviour (col. 4, line 65 to col. 5, line 3), the device enabling:

an end-user to enter time-sensitive information (col. 5, lines 55-61) into a first application (calendar : fig. 3, ref. 48) running on the device,

a second application running on the device to receive data directly from the first application, and the second application then automatically changing the behaviour of the device appropriately in dependence on the data (col. 7, lines 8-33).

The subject-matter of claim 15 is therefore not new.

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2.2 Similar reasoning can be applied to independent claim 15, starting from document D2. The subject-matter of said claim is therefore also not new with respect to D2.

2.3 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent method claim 1, which therefore is also considered not new with respect to either D1 or D2.

**3 DEPENDENT CLAIMS 2-6, 8-10, 13, 14**

3.1 Dependent claims 2, 3, 5, 6, 8-10, 13, 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT) : see documents D1 and D2 and the corresponding passages cited in the search report.

3.2 The subject-matter of claim 4 does not involve an inventive step in the sense of Article 33(3) PCT :

The feature of claim 4 (alarm application) is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

**Re Item VII.**

- 1 Independent claims 1 and 15 are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.